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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,770	10/23/2001	Srinivas Miriyala	PF02133NA/10-26	4315
23400	7590	02/23/2005	EXAMINER	
POSZ & BETHARDS, PLC 11250 ROGER BACON DRIVE SUITE 10 RESTON, VA 20190			CHO, UN C	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,770

Applicant(s)

MIRIYALA, SRINIVAS

Examiner

Un C Cho

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 23 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 7 – 9, 13, 14, 15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen et al. (US 6,438,385) in view of Nakamura et al. (US 6,011,973).

Regarding claim 1, Heinonen discloses a silent zone system comprising a transceiver for defining a silent zone for a wireless communication device (certain area (Fig. 1, 1) provided with a base station, BTS); a muter for automatically issuing a silent zone command to the wireless communication device when the wireless communication device enters the silent zone (mobile station receives from BTS a muting message when its within the area); a programmable memory for storing a muting status information (memory of the mobile station) and a digital information center (mobile communication center connected to the BTS) in communication with the programmable memory for communicating the muting status information to the wireless communication device (Col. 4, lines 9 – 25).

However, Heinonen does not specifically disclose enabling the wireless communication device to provide notification of a status of the wireless communication device through an advisory message to another device

attempting to communicate with the wireless communication device. In an analogous art, Nakamura discloses a mobile communication system comprising a base station having a message transmission function for transmitting a message for notifying the other party of incapability of speech communication (Nakamura, Col. 5, lines 45 – 67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Nakamura to the system of Heinonen in order to provide a mobile communication system which can restrict the use of a mobile unit in places where troubles may be caused by radio waves radiated from mobile units and in places where speech communication makes the people around the mobile units uncomfortable.

Regarding claim 3, Heinonen in view of Nakamura as applied to claim 1 above discloses that the transceiver is further for facilitating command communication between the muter and the wireless communication device and between the digital information center and the wireless communication device (BTS transmitting the muting command to the mobile station, Heinonen, Col. 4, lines 9 – 25).

Regarding claim 7, Heinonen in view of Nakamura as applied to claim 1 above discloses that the muting status information is communicated to the wireless communication device based on device specific parameters (BTS transmitting a message to the mobile station, Heinonen, Col. 4, lines 9 – 25).

Regarding claim 8, Heinonen in view of Nakamura as applied to claim 1 above discloses that the device specific parameters include voice or text communicating capability (BTS transmitting a message to the mobile station informing of the situation, Nakamura, Col. 5, lines 45 – 67).

Regarding claim 9, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 8.

Regarding claim 14, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 15, Heinonen in view of Nakamura discloses maintaining and communicating the silent zone status information in a categorized format (mobile communication center maintains and communicates the message to mobile stations entering the restricted zone, Heinonen, Col. 4, lines 9 – 25).

Regarding claim 19, the claim is interpreted and rejected for the same reason as set forth in claim 8.

Regarding claim 20, Heinonen in view of Nakamura as applied to claim 14 above discloses communication an advisory message from one of the communication devices within the specific zone to a calling device (a base station located in a restricted area having a message transmission function for transmitting a message for notifying the other party of incapability of speech communication (Nakamura, Col. 5, lines 45 – 67).

Art Unit: 2687

3. Claim 2, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen in view of Nakamura as applied to claim 1 above, and further in view of Kinnunen et al. (US 6,813,501).

Regarding claim 2, Heinonen in view of Nakamura as applied to claim 1 above discloses that the digital information center is for storing one of event and location specific information as the muting status information and communicating the muting status information to the wireless communication device (mobile communication center connected to a base station has knowledge of the location of the mobile station and if it is in the restricted area then instructs the base station to transmit muting message to the mobile station).

However, Heinonen in view of Nakamura does not specifically disclose storing and communicating the information in extensible markup language format. In an analogous art, Kinnunen discloses storing and communicating a message in extensible markup language (Col. 10, line 61 through Col. 11, line 67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Kinnunen to the modified system of Heinonen and Nakamura in order to provide services from the Internet to the mobile telephones so that the user of the mobile telephone can benefit from many services within a particular area.

Regarding claim 11, the claim is interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 16, the claim is interpreted and rejected for the same reason as set forth in claim 2.

4. Claims 4, 5, 6, 10, 12, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen in view of Nakamura as applied to claim 1 above, and further in view of Lipovski (US 6,675,002).

Regarding claim 4, Heinonen in view of Nakamura as applied to claim 1 above does not specifically disclose that the transceiver has an override function for terminating the silent mode command based upon a mute override wireless communication device parameter. In an analogous art, Lipovski discloses a transceiver having an override function for terminating the silent mode based upon a mute override command (Col. 6, lines 33 – 67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Lipovski in order to provide a system and method for muting sound or radio frequency emissions from electronic devices.

Regarding claim 5, Heinonen in view of Nakamura and further in view of Lipovski as applied to claim 4 above discloses that the muting status information includes at least one of an event location and event time duration (Lipovski, Col. 2, lines 11 – 40).

Regarding claim 6, Heinonen in view of Nakamura and further in view of Lipovski discloses that the muting status information further includes at least one of an event description and event purpose (Lipovski, Col. 2, lines 11 – 40).

Regarding claim 10, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 12, the claim is interpreted and rejected for the same reason as set forth in claim 6.

Regarding claim 17, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 6.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ranta (US 6,832,093) discloses a method and system for restricting the operation of a radio device within a certain area.

Berstis et al. (US 6,650,894) discloses a method, system and program for conditionally controlling electronic devices.

Shteyn et al. (US 6,782,253) discloses a mobile micro portal.


Valentine et al. (US 6,011,973) discloses a method and apparatus for restricting operation of cellular telephone to well delineated geographical areas.

Art Unit: 2687

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (703) 305-8725. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (703) 306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ELISEO RAMOS FELICIANO
PATENT EXAMINER

Un C Cho
Examiner
Art Unit 2687

2/22/05 *UC*